New York University
UNIVERSITY POLICIES

Title: Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students
Effective Date: August 19, 2019
Supersedes: Policy dated September 25, 2013
Issuing Authority: Vice Chancellor for Global Programs & University Life
Responsible Officer: Assistant Vice President Office of Equal Opportunity & Title IX Coordinator; Director, Student Conduct and Community Standards

Statement of Policy

New York University is committed to equal treatment and opportunity for its students; to maintaining an environment that is free of bias, prejudice, discrimination, harassment, and retaliation; and to establishing complaint procedures for allegations involving students.

To Whom This Policy Applies

This policy applies to all students of the University, and applies regardless of whether the alleged wrongdoer is a student.

Scope of Policy

This policy demonstrates the University’s strong commitment to prevent discrimination and harassment against students. This policy applies regardless of whether the alleged wrongdoer is a student. This policy applies when the conduct occurs on NYU premises, in the context of an NYU program or activity (including but not limited to NYU-sponsored study abroad, research, or internship program), or the conduct occurs outside the context of an NYU program or activity but (i) has continuing adverse effects on NYU premises or in any NYU program or activity or (ii) occurs in close proximity to NYU premises and is connected to violative conduct on NYU premises.

This policy must be read and understood in conjunction with related University policies and procedures. When conduct may involve more than one policy, the University will determine which policy or policies shall govern the handling of a potential violation, based on the circumstances of the allegation and the terms of any other policy. Specifically allegations of acts of sexual misconduct, including sexual or gender-based harassment, sexual assault, sexual exploitation, relationship violence, and stalking, committed against students are governed by the New York University Sexual Misconduct, Relationship Violence, and Stalking Policy. Questions about which policy applies should be directed to the Assistant Vice President of Equal Opportunity at 212-998-6807.

DEFINITIONS

Prohibited discrimination is adverse treatment of any student based on actual or perceived race, sex, gender and/or gender identity or expression, color, religion, creed, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, pregnancy, citizenship status, or genetic information rather than on the basis of the student’s individual merit. Prohibited
**discrimination** also includes any conduct that constitutes illegal discrimination under the law of the jurisdiction in which the conduct occurs.

**Prohibited harassment** is unwelcome verbal or physical conduct based on actual or perceived race, sex, gender and/or gender identity or expression, color, religion, creed, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, pregnancy, citizenship status, or genetic information that creates an intimidating, hostile, or offensive academic or residential environment or otherwise adversely affects academic opportunities or participation in an NYU program, activity, or benefit. **Prohibited harassment** also includes any conduct that constitutes illegal discrimination under the law of the jurisdiction in which the conduct occurs.

Examples of actions that constitute prohibited harassment when based on a protected characteristic may include, but are not limited to:

- Verbal abuse or hostile behavior, which could include insulting, teasing, mocking, degrading, or ridiculing another person or group;
- Inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands;
- Physical assault or stalking; or
- Displays or electronic transmission of derogatory, demeaning, or hostile materials.

**Retaliation** means any adverse action taken against an individual for making a good faith report of a violation of this policy or participating in any investigation or proceeding under this policy. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy.

**COMMITMENT TO EQUAL TREATMENT AND OPPORTUNITY**

NYU is committed to equal treatment and opportunity for its students and the entire University community and to maintaining an environment that is free of bias, prejudice, discrimination, and harassment. Prohibited discrimination, prohibited harassment, and retaliation undermine the character and purpose of NYU and may violate the law. They will not be tolerated.

**RESPONSIBILITIES TO REPORT**

NYU strongly encourages all members of the University community who have been victims of prohibited discrimination, prohibited harassment, or retaliation to report the conduct. In the case of incidents of prohibited discrimination and prohibited harassment alleged to have been committed against students, the student complainant or other reporting party may make a report to any of the following:

- the Office of the Vice President for Student Affairs,
- the Director of the Office of Student Conduct and Community Standards,
- the Dean of Student Affairs, or equivalent position, of the applicable School, Portal Campus, or Study Away Site,
- or the Assistant Vice President of Equal Opportunity & Title IX Coordinator.

Any complaint should, to the extent possible, identify the parties involved; describe the alleged prohibited discrimination or prohibited harassment behavior; state when and where it occurred; and identify by name or description any witnesses. Although there is no time limit to file a complaint with NYU, the University encourages prompt reporting so that an investigation can occur while recollections are freshest and evidence is retained, and so that remedial action can be taken in a timely manner where appropriate.
In addition, any conduct that becomes known to NYU that may be in violation of this policy may be investigated, regardless of whether a complaint is filed.

Any questions concerning where or to whom to report an incident of prohibited discrimination or prohibited harassment should be directed to the Assistant Vice President of Equal Opportunity at 212-998-6807. If the Office of Equal Opportunity is implicated in the alleged discrimination or harassment, the report should be made to the Office of the Provost.

CONFIDENTIALITY

NYU will maintain the confidentiality of the complaint to the greatest extent possible, consistent with the goals of conducting a thorough and complete investigation and effecting any appropriate remedial action.

INVESTIGATION AND RESOLUTION PROCEDURES

Where allegations are made against students for possible violation of this policy, the matter will be investigated and resolved in accordance with the University Student Conduct Policy, which for most students involves application of the University Student Conduct Procedures.

Where allegations are made against employees for possible violation of this policy, the matter will be investigated and resolved utilizing the procedures of the Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees.

Where allegations are made against third parties concerning possible violation of this policy, the Assistant Vice President of Office of Equal Opportunity & Title IX Coordinator shall identify the appropriate procedures that apply based on the role of the third party and the nature of any contractual relationship with NYU.

RETLATION

Retaliation is strictly prohibited and is a separate violation of this policy. NYU will determine and identify the appropriate procedures to be followed for an allegation of retaliation, depending on the timing and circumstances of the allegation.

NOTICE OF NONDISCRIMINATION

In accordance with federal law, New York University does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Mary Signor
Assistant Vice President Office of Equal Opportunity & Title IX Coordinator
726 Broadway, New York, NY, 10003
equal.opportunity@nyu.edu
212-998-2370
https://www.nyu.edu/about/leadership-university-administration/office-of-the-president/chief-of-staff/equal-opportunity.html

Related Policies

University Student Conduct Policy
University Student Conduct Procedures

Sexual Misconduct, Relationship Violence and Stalking Policy